

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

HON. ELAINE L. CHAO, SECRETARY,
UNITED STATES DEPARTMENT OF
LABOR.

Plaintiff,

CASE NO. 4-05-CV-338-Y

V.

ALLIED PILOTS ASSOCIATION,

Defendant.

**ALLIED UNION SERVICES' REPLY BRIEF IN SUPPORT OF MOTION FOR LEAVE
TO BE ADDED TO CASE AS AMICUS CURIAE**

Pursuant to this Court's June 19, 2006 Order Directing Responses, Allied Union Services submits this short reply brief responding to the July 6, 2006 submissions of the Secretary of Labor and the Allied Pilots Association ("APA").

Allied Union Services seeks leave to be added as an *amicus curiae* in this case and to file the *amicus* brief and accompanying declaration that were submitted to the Court on June 14, 2006. Allied Union Services agrees with the legal standard for evaluating this motion set forth by APA and will not repeat that analysis. Allied Union Services respectfully submits that the *amicus* filing should be accepted because the Court will find it useful in deciding this matter for the reasons discussed in the motion and APA's response.

This case involves the Secretary's challenge to one particular system of electronic voting. But the case promises to have ramifications for other systems as well. It will be useful for the

Court to have before it information about another electronic voting system so that the decision the Court reaches in this case (i) is based on as much information as possible and (ii) does not have unintended consequences that might stifle innovation in other electronic voting systems.

Allied Union Services has no objection to the Secretary filing a response to the *amicus* brief or to APA filing a reply to that response or to any briefing the Court decides is appropriate. Nor does Allied Union Services object to any limitation the Court believes is appropriate to impose as to the scope of any such briefing.

Finally, it appears that the Secretary misunderstood the Court's June 19, 2006 Order. That Order gave the Secretary until July 6, 2006, to file a response to the *motion* for leave to appear as an *amicus*, and posed three questions, including whether the parties desire to file a response to Allied Unions Services' proposed *brief*. The Secretary indicated instead that she still desires to file a response to the *motion*, not the brief. But the time to file that response was on July 6. Again, Allied Union Services has no objection to the Secretary filing a substantive response to the *brief* at a later date, should the Court grant the motion.

Dated: July 13, 2006

Respectfully submitted,

/s/ Jonathan Weissglass
YONA ROZEN (State Bar No. 17358500)
Gillespie, Rozen, Watsky,
Motley & Jones, PC
3402 Oak Grove Ave. Suite 200
Dallas, Texas, 75204
Phone: (214) 720-2009
Fax: (214) 720-2291

JEFFREY B. DEMAIN, *pro hac vice*
application granted
(California State Bar No. 126715)
JONATHAN WEISSGLASS, *pro hac vice*
application granted
(California State Bar No. 185008)
Altshuler, Berzon, Nussbaum,
Rubin & Demain
177 Post Street, Suite 300
San Francisco, CA 94108
Phone: (415) 421-7151
Fax: (415) 362-8064

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2006, I electronically transmitted the foregoing document with the Clerk's Office using the electronic filing system of the Court for filing and transmittal of a Notice of Electronic Filing to the following attorneys who have consented to service by electronic means:

Sanford R. Denison
Baab & Denison, LLP
2777 N. Stemmons Freeway, Suite 1608
Dallas, TX 75207

Edgar N. James
Steven K. Hoffman
David P. Dean
James & Hoffman, P.C.
1107 17th Street, N.W., Suite 510
Washington, D.C. 20036-4704

Tami C. Parker
US Attorney's Office - Fort Worth
Burnett Plaza, Suite 1700
801 Cherry Street, Unit 4
Fort Worth, TX 76102

/s/ Jonathan Weissglass
JONATHAN WEISSGLASS